

## **REMARKS**

### **Status of Claims**

Claims 101, 102, 104, 109, and 111-113 are canceled herein without prejudice or disclaimer of Applicants' right to pursue the canceled subject matter in one or more continuing applications.

Claims 23, 27, 29, 36, 54, 56-59, 103, 105, 107-108, 111 and 113 are amended herein, including withdrawn claims 23, 111, and 113. Claim 114 is newly added. Support is found throughout the application and claims as originally filed. No new matter is introduced. The foregoing amendments are made only to cancel claims and to comply with a requirement set forth in the Office Action and therefore entry of this amendment under 37 CFR §1.116 is proper.

### **Claim Rejections**

In the previous paper, Applicants amended the claims to insert "hyaluronate salt" before the phrase "derivative thereof" at the suggestion of the Examiner. The Examiner now rejects the claims for containing precisely this language, and suggests amending the claims further to recite a "hyaluronate salt" or "salt thereof." Accordingly, the claims are amended to now recite "hyaluronic acid (HA) or a salt thereof." In view of these amendments, withdrawal of the rejection is warranted.

The Examiner contends that the phrase "for delivery" in claim 112 renders the limitation of "an agent" indefinite. Claim 112 is cancelled herein and therefore the rejection is moot.

### **Rejoinder**

Moreover, Applicants have amended the withdrawn method claims to depend from independent composition claim 103. Upon allowance of claim 103, Applicants submit that rejoinder of all withdrawn method claims is warranted.

### **Information Disclosure Statement**

The Examiner continues to improperly ignore Applicants' Information Disclosure

Statement of December 21, 2010 which is included herewith as Appendix A. That Information Disclosure Statement unambiguously referenced "applications co-owned by the Applicant" and referenced a "Related Case Submission" which listed the co-owned applications. There is simply no grounds for the Examiner refusing to consider this information and it is respectfully requested that the information be considered in connection with this submission.

### CONCLUSION

Applicants respectfully submit that the instant application is in condition for allowance. In the event that a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

### AUTHORIZATION

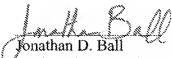
The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 50-3732, Order No. 13323.105005. Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account No. 50-3732 and Order No. 13323.105005.

Respectfully submitted,

KING & SPALDING, L.L.P.

Dated: June 24, 2011

By:

  
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# Appendix A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Lene Møller	Confirmation No.:	6753
Serial No.:	10/562,831	Examiner:	Tacyoon Kim
Filed:	June 21, 2006	Group Art Unit:	1651
For:	Haemostatic Composition Comprising Hyaluronic Acid		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

This supplemental Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on Form PTO-SB08, a copy of which is enclosed, are made of record to assist the Patent and Trademark Office in its examination of this application. A Related Case Submission is also attached herewith to bring to the Examiner's attention applications co-owned by the Applicant. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

1. ☒ For each of the following items listed on the enclosed copy of Form PTO-SB08 that is not in the English language, an English language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:

DE 4407875 - English Abstract submitted herewith  
DE 4119140 - English Abstract submitted herewith  
DE 3146841 - English Abstract submitted herewith  
EP 1053758 - English Abstract submitted herewith  
FR 2679772 - English Abstract submitted herewith  
FR 2759980 - English Abstract submitted herewith  
JP 1130519 - English Abstract submitted herewith  
JP 62221357- English Abstract submitted herewith

2. ☐ For each of the following items listed on the enclosed copy of Form PTO-SB08 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application.
3. ☐ Copies of the foreign patents that are listed on the enclosed copy of Form PTO-SB08 are not enclosed with this Information Disclosure Statement since they were previously cited and submitted on \_\_\_\_\_ to the Patent and Trademark Office in

application Serial No. \_\_\_\_\_. The foreign patents are being re-cited so that English abstracts can be included.

4. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
  - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of a national application other than a CPA; or
  - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491 in an international application; or
  - ☐ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office action on the merits; or
  - ☐ 37 C.F.R. §1.97(b)(4) before the mailing date of a first office action after the filing of an RCE under §1.114.
5. ☐ No fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(c) set forth in paragraph 9 below.
6. ☒ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a notice of allowance (where there has been no prior final action):
  - ☐ A check in the amount of \$180.00 is enclosed in payment of the fee.
  - ☒ Charge the fee to Deposit Account No. 50-3732, Order No. 13323-105005.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a notice of allowance, whichever comes first, but before payment of the issue fee, and is accompanied by:
  - a. one of the certifications pursuant to 37 C.F.R. §1.97(c) set forth in paragraph 9 below; and
  - b. the fee due under 37 C.F.R. §1.17(p) which is paid as set forth in paragraph 11 below.
8. ☐ This Information Disclosure Statement is being filed in compliance with:
  - a. ☐ 37 C.F.R. §1.313(b)(3) or §1.313(c)(1), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h);

- b. ☐ 37 C.F.R. §1.313(c)(2) or §1.313(c)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Request for Continued Examination (RCE) or a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition To Withdraw Application From Issue and fee pursuant to 37 C.F.R. §1.17(h).
- c. ☐ The fee due under 37 C.F.R. §§1.17(h) is paid as set forth in paragraph 11 below.
9. ☐ I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ I hereby certify that no item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
10. ☐ This document is accompanied by ☐ a Search Report ☐ Communication which was cited in a corresponding ☐ PCT or ☐ Foreign counterpart application.
11. ☐ Charge the fees due under 37 C.F.R. §§1.17(h) and 1.17(p) to Deposit Account No. 50-3732, Order No. \_\_\_\_.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-3732, Order No. 13323-105005.

Respectfully submitted,  
KING & SPALDING LLP

Dated: December 21, 2010

By: \_\_\_\_\_

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<b>RELATED CASE SUBMISSION</b>		Attorney Docket: 13323-105005		Serial No.: 10/562,831	
		Applicant: Lene Moller			
		Filing Date: June 21, 2006		Group And Unit: 1651	
<b>Examiner Initial</b>	<b>Serial No.</b>	<b>Filing Date</b>	<b>First Named Inventor</b>		
	10/587,767	10-17-2006	Lene Moller		
	10/538,918	12-13-2005	John Hansen		
	10/326,080	12-23-2002	Jorgen Wolff		
	12/519,548	01-21-2010	John Hansen		
	12/919,643	10-05-2010	Kristian Larsen		
Examiner	Date Considered				